

[*Wallace v. Tennessee Valley Authority*](#), 88-ERA-41 (Sec'y Feb. 15, 1991)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: February 15, 1991
CASE NO. 88-ERA-41

IN THE MATTER OF

WALTER H. WALLACE,
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER OF DISMISSAL

This case, which arises under the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. 5851 (1982), is presently before me for review of the Recommended Decision and Order issued on May 14, 1990, and the Supplemental Recommended Decision and order issued on October 16, 1990, by Administrative Law Judge (ALJ) Robert L. Hillyard. By letter of January 15, 1991, counsel for Respondent informed the Department of Labor that settlement was reached and enclosed a copy of the parties' Memorandum of Understanding and Agreement (the Memorandum) for approval by the Secretary and the entry of a final order of dismissal.

Review of the Memorandum reveals that it appears to encompass the settlement of matters under various laws, only one of which is the ERA. *See, e.g.,* Memorandum, para. 1. As stated in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec.

[The Secretary's] authority over settlement agreements is limited to such statutes as are within [the Secretary's] jurisdiction and is defined by the applicable statute. *See Aurich v. Consolidated Edison Company of New York, Inc.*, Case No. [86-]CAA-2, Secretary's Order Approving Settlement, issued July 29, 1987; *Chase v. Buncombe County, N.C.*, Case No. 85-SWD-4, Secretary's Decision and Order on Remand, issued November 3, 1986.

I have, therefore, limited my review of Memorandum to determining whether the terms thereof are a fair, adequate and reasonable settlement of Complainant's allegation that Respondent violated the ERA.

Upon review of the terms of the Memorandum signed by the parties, I find that it is fair, adequate and reasonable. The Memorandum is accordingly approved and the case is DISMISSED.

SO ORDERED.

LYNN MARTIN
Secretary of Labor

Washington, D.C.